

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7071

JOHN B. RUFFIN,

Plaintiff - Appellant,

versus

WARDEN MCGARRITY, Greenville State Prison;
WARDEN MILLARD, Greenville State Prison
(Official/Individual Capacity); WARDEN DAVIS,
Greenville State Prison (Official/Individual
capacity); WARDEN TRENT, Greenville State
Prison (Official/Individual Capacity); UNIT
MANAGER EVERETTE, Greenville State Prison
(Official/Individual Capacity); RUFUS
FLEMINGS, Warden, Regional Director, State
Grievance (Official/Individual Capacity);
LIEUTENANT TINSLEY, Internal Affairs, Virginia
State Department of Corrections; OFFICER
AUTRY, Inmate Hearing Officer, Greenville
State Prison (Official/Individual Capacity);
OFFICER TILLERY, Grievance Coordinator
(Official/Individual Capacity); DOCTOR
LAYBOURNE, Greenville Correctional
(Official/Individual Capacity); DOCTOR
BRADLEY, Greenville Correctional (Official/
Individual Capacity),

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Raymond A. Jackson, District
Judge. (CA-04-266-2)

Submitted: November 19, 2004

Decided: December 1, 2004

Before WILKINSON, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John B. Ruffin, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

John B. Ruffin appeals the district court order dismissing all of his 42 U.S.C. § 1983 (2000) claims, except that he was held in segregation without due process, for failure to exhaust. Ruffin further appeals the district court order dismissing his § 1983 claim that he was held in segregation without due process as frivolous under 28 U.S.C. § 1915A(b)(1) (2000). We have reviewed the record and the district court's opinion and find no reversible error. We note that even if Ruffin's claim that he was denied access to his legal materials was exhausted, it is also frivolous under § 1915A(b)(1) because he failed to demonstrate injury or prejudice caused by his inability to obtain those materials. See Lewis v. Casey, 518 U.S. 343, 351 (1996). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED